

94TH CONGRESS  
1ST SESSION

# H. R. 564

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1975

Mr. Koch introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To protect the constitutional rights of citizens of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of the polygraph for certain purposes.

1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3. SECTION 1. It shall be unlawful for any officer or employee of any executive department or agency or any individual acting under the authority of such officer and employee  
6. to do the following:

7. (a) to require or request, or to attempt to require  
8. or request, any officer or employee of the United States,  
9. or any individual applying for employment as an officer

1        or employee of the United States, to take any polygraph  
2        test in connection with his services or duties as such  
3        officer or employee, or in connection with such indi-  
4        vidual's application for employment;

5                (b) to deny employment to any individual, or to  
6        discharge discipline, or deny promotion to any officer or  
7        employee of the United States, or to threaten to commit  
8        any such act by reason of his refusal or failure to submit  
9        to such requirement or request.

10       SEC. 2. It shall be unlawful for any person engaged in  
11       any business or other activity in or affecting interstate com-  
12       merce, or any individual acting under the authority of such  
13       person to do the following:

14                (a) to require or request, or to attempt to require or  
15        request any officer or employee employed by such per-  
16        son or any individual applying for employment in con-  
17        nection with such business or activity to take any poly-  
18        graph test in connection with his services or duties or in  
19        connection with his application for employment.

20                (b) to deny employment to any individual, or to  
21        discharge, discipline, or deny promotion to any officer  
22        or employee employed in connection with such business  
23        or activity, or to threaten to commit such act by rea-  
24        son of his refusal or failure to submit to such require-  
25        ment or request.

1        SEC. 3. Whoever willfully violates or willfully attempts  
2        to violate any of the provisions of this Act shall be guilty of  
3        of a misdemeanor, and, upon conviction, shall be punished  
4        by a fine not exceeding \$1,000, or by imprisonment not  
5        exceeding one year, or by both such fine and imprisonment.

6        SEC. 4. (a) Whenever—

7              (1) any officer or employee of any executive de-  
8              partment or any executive agency of the United States  
9              Government, or any person acting or purporting to act  
10             under his authority, or

11             (2) any commissioned officer as defined in section  
12             101 of title 10, United States Code, or any member  
13             of the Armed Forces acting or purporting to act under  
14             his authority, or

15             (3) any person engaged in any business or other  
16             activity in or affecting interstate commerce, or any in-  
17             dividual acting under the authority of such person,  
18             violates or threatens to violate any of the provisions of sec-  
19             tion 1 or 2 of this Act, any employee or officer of the United  
20             States, or any person applying for employment in the exec-  
21             tive branch of the United States Government, or any person  
22             seeking to establish civil service status or eligibility for  
23             employment in the executive branch of the United States  
24             Government, or any individual applying for employment in

1       ing interstate commerce, or any employee or officer employed  
2       by a person engaged in such business or activity, who is  
3       affected or aggrieved by the violation or threatened violation,  
4       may bring a civil action in his own behalf or in behalf of him-  
5       self and others similarly situated, against the offending officer  
6       or employee or person in the United States District Court for  
7       the district in which the violation occurs or is threatened, or  
8       for the district in which the offending officer or person is  
9       found, or in the United States District Court for the District  
10      of Columbia, to prevent the threatened violation or to obtain  
11      redress against the consequences of the violation.

12           (b) Such United States district court shall have juris-  
13      diction to try and determine such civil action irrespective of  
14      the actuality or amount of pecuniary injury done or threat-  
15      ened, and without regard to whether the aggrieved party  
16      shall have exhausted any administrative remedies that may  
17      be provided by law, and to issue such restraining order, inter-  
18      locutory injunction, permanent injunction, or mandatory  
19      injunction, or enter such other judgment or decree as may be  
20      necessary or appropriate to prevent the threatened viola-  
21      tion, or to afford the plaintiff and others similarly situated  
22      complete relief against the consequences of the violation.

23           (c) With the written consent of any person affected or  
24      aggrieved by a violation or threatened violation of section

1 such action on behalf of such person, or may intervene in  
2 such action. For the purposes of this section, employee or-  
3 ganizations shall be construed to include any brotherhood,  
4 council, federation, organization, union, or professional orga-  
5 nization made up in whole or in part of employees and which  
6 has as one of its purposes dealing with departments, agencies,  
7 commissions, independent agencies of the United States, or  
8 with businesses and industries engaged in or affecting inter-  
9 state commerce, concerning the conditions and terms of em-  
10 ployment of such employees.